

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of SAN DIEGO

On 12-17-01 before me, J. LILY TURNER
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared SEAN A. MC CARTHY
Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

J. Lily Turner
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: DECLARATION AND POWER OF ATTORNEY

Document Date: 12-17-01 Number of Pages: 4

Signer(s) Other Than Named Above: X

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
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☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

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ORIGINALLY FILED**

Attorney Docket No. 10147-6U2
(MBIO1999-030CP2)

DECLARATION AND POWER OF ATTORNEY
(Related Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC, PREVENTIVE,
THERAPEUTIC AND OTHER USES**

the specification of which is attached hereto and/or was filed on October 25, 2001 as Application No. 10/042,431.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

FOREIGN PRIORITY APPLICATION(S)

				<u>Priority Claimed</u>
(Number)	(Country)	(Day/month/year filed)		[] Yes [] No
				<u>Priority Claimed</u>
(Number)	(Country)	(Day/month/year field)		[] Yes [] No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional patent application(s) listed below and have also identified below any United States provisional patent application(s) having a filing date before that of the application on which priority is claimed.

PROVISIONAL PRIORITY PATENT APPLICATION

			<u>Priority Claimed</u>
(Application No.)	(Filing Date)		[] Yes [] No
			<u>Priority Claimed</u>
(Application No.)	(Filing Date)		[] Yes [] No

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or in the prior U.S. provisional application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/333,159 June 14, 1999 Pending
(Application Serial No.) (Filing Date) (Status)--(patented, pending, abandoned)

09/578,063 May 24, 2000 Pending
(Application Serial No.) (Filing Date) (Status)--(patented, pending, abandoned)

And I hereby appoint the registered attorneys and agents associated with **AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., Customer No. 000570**, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to **Customer No. 000570, namely, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**, One Commerce Square, 2005 Market Street, Suite 2200, Philadelphia, Pennsylvania 19103. Please direct all communications and telephone calls to **Gary D. Colby, Ph.D., J.D.** at (215) 965-1285.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole
inventor, if any Sean A. McCarthy

Inventor's Signature Sean A. McCarthy

Date 12/17/01

Residence San Diego, California

Citizenship United Kingdom

Post Office Address 3625 Dupont Street

San Diego, CA 92106

(LOOSE NOTARIAL CERTIFICATE ATTACHED)

Full name of second joint

inventor, if any Christopher C. Fraser

Inventor's Signature

Christopher C. Fraser

Date

Dec 10, 2001

Residence

Lexington, Massachusetts

Citizenship

Canada

Post Office Address

6 Lake Street

Lexington, MA 02421

Full name of third joint

inventor, if any John D. Sharp

Inventor's Signature

Date

Residence

Arlington, Massachusetts

Citizenship

United States of America

Post Office Address

245 Park Avenue

Arlington, MA 02476

Full name of fourth joint

inventor, if any Thomas M. Barnes

Inventor's Signature

Date

Residence

Brookline, Massachusetts

Citizenship

Australia

Post Office Address

12 Mason Terrace

Brookline, MA 02446

Full name of second joint

inventor, if any Christopher C. Fraser

Inventor's Signature _____

Date _____

Residence Lexington, Massachusetts

Citizenship Canada

Post Office Address 6 Lake Street

Lexington, MA 02421

Full name of third joint

inventor, if any John D. Sharp

Inventor's Signature John D. Sharp

Date 12-7-01

Residence Arlington, Massachusetts

Citizenship United States of America

Post Office Address 245 Park Avenue

Arlington, MA 02476

Full name of fourth joint

inventor, if any Thomas M. Barnes

Inventor's Signature _____

Date _____

Residence Brookline, Massachusetts

Citizenship Australia

Post Office Address 12 Mason Terrace

Brookline, MA 02446

Full name of second joint

inventor, if any **Christopher C. Fraser**

Inventor's Signature _____

Date _____

Residence **Lexington, Massachusetts**

Citizenship **Canada**

Post Office Address **6 Lake Street**

Lexington, MA 02421

Full name of third joint

inventor, if any **John D. Sharp**

Inventor's Signature _____

Date _____

Residence **Arlington, Massachusetts**

Citizenship **United States of America**

Post Office Address **245 Park Avenue**

Arlington, MA 02476

Full name of fourth joint

inventor, if any **Thomas M. Barnes**

Inventor's Signature

Thomas M. Barnes

Date

December 3rd 2001

Residence **Brookline, Massachusetts**

Citizenship **Australia**

Post Office Address **12 Mason Terrace**

Brookline, MA 02446